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C O N F I D E N T I A L SECTION 01 OF 02 SUVA 000040

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TAGS: [PREL](#) [PGOV](#) [CJAN](#) [PHUM](#) [FJ](#)  
SUBJECT: FIJI UPDATE: BAINIMARAMA FUDGES ELECTION DATE  
(AGAIN); MEDICAL VISIT TO INDIA; ANOTHER REPORT OF  
DIVISIONS IN MILITARY; IG SHUNS INTERNATIONAL BAR ASSN

REF: A. SUVA 033

[1B](#). SUVA 17  
[1C](#). SUVA 19

Classified By: Amb. Dinger. Sec. 1.4 (B,D).

#### Summary

[1](#)1. (C) Fiji interim Prime Minister Bainimarama told a radio reporter Jan. 31 that an election could take place in 2009 (as he has promised regional leaders) or ten or fifteen years from now, depending on God's plan and contingent on achievement of a pathway to progress and stability. Bainimarama reportedly will travel to India soon for a medical check. A well-placed source suggests Bainimarama is under increasing stress, in part due to divisions in the military. When the International Bar Association (IBA) proposed to visit Fiji in February to undertake an inquiry into the judiciary, the IG said no outside observers of the judiciary will be welcome until after all the constitutional cases related to the coup are concluded. That stonewalling adds to the perception that the Fiji judiciary has become compromised. End summary.

#### Bainimarama: election date in God's hands

[1](#)2. (U) Interim PM Bainimarama reportedly told a radio reporter on Jan. 31 that the date for elections could be 2009, or even ten or fifteen years away, "it is all part of God's plan." It seems the remark was in response to a Methodist Church leader's suggestion that people pray to have elections actually take place by March 2009. Bainimarama said, as he has before, that the elections will only be held "after a pathway to progress and stability in the nation is achieved."

#### Bainimarama to India for medical check

[1](#)3. (C) We hear from a reliable source that Bainimarama plans to visit India, perhaps as soon as next week, for a medical check-up at the "Batra" center. New Delhi has reportedly given its OK. Prior to the 2006 coup, Bainimarama visited New Zealand periodically for medical checks of a heart condition and/or high blood pressure. New Zealand travel sanctions have made that impossible.

#### Trouble in the barracks?

[1](#)4. (C) The same reliable source, who has excellent access to

portions of the IG, reports that Bainimarama is under increasing stress, in part because of divisions developing within the military leadership. See ref B, and previous, for discussion of issues that may be causing such dissatisfaction.

#### Shutting out potential critics of judiciary

15. (C) Last week, the International Bar Association announced it will send a delegation to Fiji Feb. 18-22 to investigate reports of problems in the Fiji judiciary. (See ref C for a long list of concerns.) On Jan. 30, interim Attorney General Sayed-Khaiyum informed the media that the IG "welcomes such a visit but not now." Sayed-Khaiyum argued that IBA inquiries could prejudice the numerous coup-related cases now before the Fiji courts, including the Qarase case and the work of the tribunal to consider charges against suspended Chief Justice Fatiaki. Sayed-Khaiyum alleged that Fiji lawyers involved in such cases have spurred the visit. The interim AG proposed to postpone all outside inquiries into the Fiji judiciary until after all constitutional cases related to the coup are completed. IG Ombudsman Shaista Shameem has also expressed concern about the proposed timing. She added that her busy schedule may not permit a meeting with the visitors. An NGO, the Young People's Concerned Network, responded that the IG is practicing a "double standard." Meanwhile, the IG is seeking a stay in CJ Fatiaki's constitutional case, seemingly arguing that all constitutional issues of all cases related to the coup should be consolidated into Qarase's case, with all other cases waiting for that result.

#### Comment

16. (C) Bainimarama has waffled over time about the date for

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elections. When he reads from a text, he often signals March 2009. When he wings it, he sometimes expands the timeline significantly. The report that he is under increasing stress, in part because of concerns about divisions within the military leadership, doesn't neatly fit with a trip to India. When the cat is away, the mice may play. Of course, it could be that Bainimarama is seriously worried about his health. After the coup we heard reports that he occasionally suffered black-outs and had trouble sleeping.

17. (C) The recent IBA and judicial developments further buttress the points made in Ref C: that the IG and IG-affiliated judges are doing their best to slow the process regarding the constitutional cases and to stall all such cases except the slow-moving Qarase case that is being managed by three IG-affiliated judges. Since the proposed IBA visit is intended to look into the credibility of the Fiji judiciary to be handling coup-related cases, Sayed-Khaiyum's argument that such international visitors will only be welcomed after such cases have concluded, begs the question. It is precisely because the coup-related constitutional cases are under way that an independent perspective on the judiciary's current ability to resolve such cases neutrally would be valuable.

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